

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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Martal Cosmetics, Ltd.,

Plaintiff,
-against-

JUDGMENT
Case No. 01-cv-7595 (TLM)

International Beauty Exchange Inc. et al.,

Defendants,
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For reasons assigned in the Court's Ruling issued August 23, 2011 [Rec. Doc. 521], it is

ORDERED that judgment be and is hereby entered in favor of plaintiff, Martal Cosmetics, Ltd., and against defendants Jacob Aini a.k.a. Jack Aini, Michael Aini, Harry Aini, I.C.E. Marketing, Corp., I.B.E Cosmetics, Inc., and Homeboys International, Inc. on plaintiff's Lanham Act claims in the sum of seven hundred fifty thousand dollars (\$750,000) and against defendant KAK Group, Inc. in the sum of five thousand dollars (\$5,000). It is further

ORDERED that judgment be and is hereby entered in favor of plaintiff, Martal Cosmetics, Ltd., and against defendants Jacob Aini a.k.a. Jack Aini, Michael Aini, Harry Aini, I.C.E. Marketing, Corp., I.B.E Cosmetics, Inc., and Homeboys International, Inc. on plaintiff's state law claim for unfair competition for the 368 registration; however, the Court awards no damages for plaintiff's state law claims of unfair competition as plaintiff is fully compensated by the Court's award of statutory damages. It is further

ORDERED that judgment be and is hereby entered in favor of defendants, Raquel Aini a.k.a. Rachel Aini, Jacob Aini a.k.a. Jack Aini, Michael Aini, Harry Aini, I.C.E.

Marketing, Corp., I.B.E Cosmetics, Inc., KAK Group, Inc. and Homeboys International, Inc. on plaintiff Martal Cosmetics, Ltd.'s common law claim for unjust enrichment. It is further

ORDERED that attorney fees and costs are awarded to plaintiff, Martal Cosmetics, Ltd., under 15 U.S.C. § 1117(a) against defendants Jacob Aini a.k.a. Jack Aini, Michael Aini, Harry Aini, I.C.E. Marketing, Corp., I.B.E Cosmetics, Inc., and Homeboys International, Inc. It is further

ORDERED that the amount of attorney fees and costs due under this Judgment is referred to the Honorable James Orenstein, the United States Magistrate Judge assigned to this case, for report and recommendation. Plaintiff's counsel is to submit, in affidavit form, the amount of attorney fees and costs that counsel maintains are related to this litigation and that are due under this Judgment to Judge Orenstein within 10 days of the entry of Judgment. Defendants are to file their opposition thereto, if any there be, within 10 days of their receipt of plaintiff's application for such fees and costs. It is further

ORDERED that the permanent injunction entered against defendants Michael Aini, Harry Aini, I.C.E. Marketing, Corp., KAK Group Inc., I.B.E Cosmetics, Inc., Homeboys Discount, Inc., and Homeboys International, Inc. by the Court's Opinion and Order dated March 22, 2007, barring any future trademark infringement based on the trademark infringement of Symba soap, (Rec. Doc. 354, at 9-10), is made applicable to Jacob Aini a.k.a. Jack Aini for Symba soap and applicable to defendants Jacob Aini a.k.a. Jack Aini, Michael Aini, Harry Aini, I.C.E. Marketing, Corp., KAK Group Inc., I.B.E Cosmetics, Inc., and Homeboys International, for Symba cream. Specifically Jacob Aini

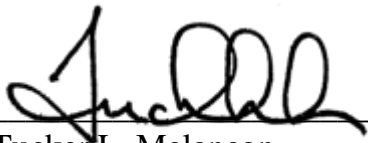
a.k.a. Jack Aini, Michael Aini, Harry Aini, I.C.E. Marketing, Corp., KAK Group Inc., I.B.E Cosmetics, Inc., and Homeboys International are prohibited from “[f]rom possessing, receiving, manufacturing, assembling, distributing, warehousing, shipping, transshipping, transferring, storing, advertising, promoting, offering, selling, offer or holding for sale, disposing, or in any other manner handling or dealing with any good packaging, wrappers, containers and receptacles, and any catalogues, price lists, promotional materials and the like bearing a copy or colorable imitation of the Symba trademarks and/or the Symba trade dress.” It is further

ORDERED that judgment be and is hereby entered in favor of defendant Raquel Aini a.k.a. Rachel Aini and against plaintiff Martal Cosmetics, Ltd. on all of plaintiff’s remaining claims against her.

ORDERED that post-judgment interest shall accrue on all amounts awarded or to be awarded under this Judgment at the rate provided for by Title 28, United States Code, § 1961, from the date of entry of judgment(s) until paid. It is further

ORDERED that defendants Jacob Aini a.k.a. Jack Aini, Michael Aini, Harry Aini, I.C.E. Marketing, Corp., KAK Group Inc., I.B.E Cosmetics, Inc., and Homeboys International are hereby cast with the cost of this proceeding pursuant to Fed. R. Civ. P. 54(d).

SO ORDERED.


Tucker L. Melançon
United States District Judge

Brooklyn, NY
August 24, 2011